



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
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**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2305309
Applicant Name: Brittani Ard for Maschmedt Design and Construction
Address of Proposal: 9209 25th Avenue Northeast

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are: A) 5,369.8 sq. ft. and B) 5,369.8 sq. ft. The existing single family residence will be removed. The site contains an Environmentally Critical Area, Steep Slope.

The following approvals are required:

Short Subdivision - To subdivide one existing parcel into two parcels of land.
(Chapter 23.24, Seattle Municipal Code).

SEPA – Environmental Determination – Review of development proposals in areas mapped as Environmentally Critical Areas, Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Zoning: SF 5000

Date of Site Visit: December 9, 2003

Uses on Site: One Single Family residence.

Site Description: This 10,739.6 sq. ft. site is located at the northwest corner of the intersection of 25th Avenue NE and NE 92nd Street. The site contains a mapped environmentally critical area - steep slope area along the northwestern and north central portion of the parent parcel. This

steep slope is a small portion of the slope which extends from the northwest corner of the lot, across the central portion of the lot to the southeast and then forms the south property boundary of proposed Parcel A along NE 95th Street and then dissipates as it extends northward along the property boundary with 25th Avenue NE. The lot is developed with a single family residence and a small shed, both of which are proposed for demolition. The adjacent streets are paved but do not have curb, sidewalk, or planting strip improvements.

Proposal

The proposal is to short subdivide one platted lot into two lots. Each lot would have 5,369.8 sq. feet. Vehicular access to Parcels A and B is proposed to be from NE 92nd Street.

The applicant has applied for and received a Limited Exemption from the requirements of SMC 25.09, Regulations for Environmentally Critical Areas. This Limited Exemption may be granted for slopes with a vertical elevation change of up to twenty (20) feet, not part of a larger steep-slope system and based on a geotechnical report demonstrating that no adverse impact will result from the exemption. ECA Exemption (MUP 231733) was approved April 23, 2003.

Public Comment

Two (2) comment letters were received during the comment period which ended December 17, 2003. One letter commented about the placement of driveways and structures for any future development. It expressed concern about potential blocking of this persons driveway, large inappropriately sized houses blocking local views, and potential traffic conflicts at the intersection of NE 25th and 92nd NE. Seattle Municipal Code (SMC) 22.44, the Single Family Residential development regulations, SMC 23.53, Streets and Alleys (Improvements), and 23.54, Parking and Access, contain the applicable regulations for the type of development proposals allowed on this site and will be applied during zoning review of those proposals.

The second letter, from the property owner directly to the north of the subject site, expressed concern about future construction in the steep slope area and possible impacts to their property from slope disturbance. These issues are discussed below in the body of the decision.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Seattle Public Utilities (SPU) for water availability, Fire Department (SFD), Seattle City Light (SCL), and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

The lots to be created by this short subdivision will meet all minimum standards and applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. The proposed lots sizes of 5,369.8 square feet for both Parcels A and B meet the requirement of this Single Family 5000 zone.

This short subdivision provides vehicular access, public and private utilities and access for emergency personal and vehicles. Vehicular access for proposed Parcel A is possible from NE 92nd Street; Vehicular access for proposed Parcel B would also be possible from NE 92nd Street and pedestrian access is available from both NE 92nd Street and 25th Avenue NE. Access for all utilities is provided directly from the public right of way; no utility access easements are required. Access for emergency personal and vehicles is provided directly from the public right of way. Proper location of any proposed driveways in relation to the street intersection will be determined by the Seattle Department of Transportation (SDOT) during construction permit review of future proposed structures.

Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing storm water control, utility extensions, and the provision of required easements.

The public use and interest are served by this proposal. The additional parcel created through this short plat will provide a building site for the creation of an additional housing unit within the City, a main goal of the Housing policies of Seattle's Comprehensive Plan.

This parcel contains a section of steep slope as defined in SMC 25.09.180, Environmental Critical Areas, Development Standards for Steep Slopes. As described above, the steep slope is located in the north central portion of proposed Parcel B. This steep slope is not a part of a larger steep slope system and is less than 20 feet in vertical height.

Proposed Short Plats must conform to the applicable provisions of SMC Section 25.09.240, Short Subdivision and Subdivisions, in Environmentally Critical Areas. However, limited exemptions from the requirements of this section may be granted under the following conditions: the steep slopes cannot have a vertical elevation change greater than twenty (20) feet, it cannot be part of a larger steep-slope system, and a geotechnical report must be provided demonstrating that no adverse impact will result from the exemption.

The applicant has applied for and received a Limited Exemption to the requirements of SMC 25.09, Regulations for Environmentally Critical Areas. This Limited Exemption (MUP 231733) was approved April 23, 2003. As a part of the exemption application, the applicant provided two reports, *Geotechnical Evaluation / Foundation Recommendations*, by Dennis Bruce P.E., Geotechnical and Civil Engineer, dated April 14, 2003, and *Geotechnical Assessment for Limited Steep Slope Exemption*, by Geotech Consultants Inc, dated November 19, 2003. The Bruce report presented the results of a geotechnical evaluation of the short plat site, its steep slope area and gave recommendations for future construction of any residential structures. In summary, the report found that the site and proposed building plans are geo-technically viable when constructed with the recommendations given in the report and within the Building Code requirements of the City.

The second report, *Geotechnical Assessment for Limited Steep Slope Exemption*, by Geotech Consultants Inc, is an abbreviated assessment that built on the first report and discussed the findings from an additional site visit. It states that the site is underlain by medium-dense to dense sands that are well suited to support the types on building foundations expected for this site. It found that expected building construction, “should not adversely affect stability of the existing steep slope or the adjoining properties.” Further it states that, the north wall of the future structure on proposed Parcel B will be designed and backfilled to support the “over-steepened cut slope on the northern end of the lot” with the result that “the slope will actually be stabilized” by the addition of this foundation / retaining wall.

Based on these findings and recommendations and the approval of the Limited Exemption under SMC 25.09.180.D, Steep Slope Exemptions, this proposed short plant conforms to the applicable provisions of SMC Section 25.09.240, Short Subdivision and Subdivisions in Environmentally Critical Areas.

There are six (6) trees on the short plat site, an Alder and Oak on proposed Parcel B and a Holly, Hawthorne, Maple, and Willow on proposed Parcel A. No trees except the 8 inch Big Leaf Maple (*acer macrophyllum*) on proposed Parcel A are listed as trees that may be considered significant. The Maple is listed but only when it has a base diameter greater than 4 feet 6 inches.

The location of five of the above listed trees on both proposed parcels is such that their retention is unlikely. The Oak on the northeast corner of proposed Parcel B is located on the top of the steep slope and is a likely candidate for retention. A different configuration of the proposed parcels, for example extending east to west from 25th Avenue NE, would require extensive grading to create buildable sites and likely create larger areas of steep slope bank than the present configuration. Additionally, the listed trees, including the Oak, would more likely need

to be removed in order to create usable building sites. Therefore, given the above factors, this short plat as configured maximizes the retention of existing trees.

SMC 23.44.008, "Development Standards" for single family areas, requires either the planting or preservation of trees for project approval. These requirements will assure either the preservation or replacement of trees as a part of any proposed new construction.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated November 21, 2003) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Environmental review required due to the presence of an *Environmentally Critical Area* is limited in its scope (SMC 25.05.908). This section states that the scope of environmental review within *steep slope* areas shall be limited to: 1) Documenting whether the proposal is consistent with the City of Seattle Regulations for Environmentally Critical Areas, and 2) Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in City of Seattle Regulations for Environmentally Critical Areas Policies or the requirements of SMC 25.09, Regulations for Environmentally Critical Areas.

The City of Seattle Regulations for Environmentally Critical Areas, SMC 25.09, define and provide regulations for development in steep slope areas. *Steep slopes* are defined as slopes of forty (40) percent average slope or greater, with a vertical elevation change of at least ten (10) feet. Development in *steep slope* areas is generally prohibited. However, an area meeting the above definition of a *steep slope* but limited to a vertical elevation change of up to 20 feet and not part of a larger steep slope system, or created through pervious, legal grading activities, may be exempted from the steep slope regulations. This exemption must be based on a geotechnical

report demonstrating that no adverse impact will result from the exemption. The purpose of this exemption is to exclude small areas from the requirements of the *steep slope* regulations that otherwise can be shown to be safe for development.

The applicant submitted two geo-technical reports with this short plat application. *Geotechnical Evaluation / Foundation Recommendations*, by Dennis Bruce P.E., Geotechnical and Civil Engineer, dated April 14, 2003, and *Geotechnical Assessment for Limited Steep Slope Exemption*, by Geotech Consultants Inc, dated November 19, 2003. Both reports discuss the findings of site visits of the subject property, the adequacy of existing soils to support future construction of allowed structures, and give recommendations for the stabilization of the steep slope, safe excavation during construction, and the proper design of the future foundation / retaining wall adjacent to the steep slope. Based on the Dennis Bruce report, an ECA Exemption was granted April 23, 2003. This Limited Exemption allows grading, development, and other land disturbing activity to exceed 30% of areas measured over 40% slope. (SMC 25.09.180.A.3.a) This will allow construction of any future allowed structure within the *steep slope* area.

The Geotech Consultants report affirms the findings of the Bruce report and states that given the existing site soils, the location of any proposed structures from the north property line (minimum of 20 feet), and the proposed combined foundation / retaining wall for a structure on proposed Parcel B, the steep slope will achieve greater stabilization from its present condition.

Based on the information and recommendations from the above reports, the comments of the City reviewing engineer who approved the Limited Exemption, and a review of the City of Seattle Regulations for Environmentally Critical Areas Policies and the requirements of SMC 25.09, Regulations for Environmentally Critical Areas, there are no anticipated *Short or Long Term Environmental Impacts* from this proposal.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

Conditions of Approval Prior to Recording

1. Submit the final recording forms for approval. See changes suggested by the land use technician and reconcile the changes to the technician's satisfaction.
2. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
3. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short plat to the construction permit plans.

Art Pederson
Land Use Planner

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